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| 10/598,627      | 06/13/2007  | Matti Puputti        | 042933/315610       | 8155             |

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| EXAMINER |
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LE, RONG

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2423

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07/07/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/598,627 | <b>Applicant(s)</b><br>PUPUTTI, MATTI |  |
|                              | <b>Examiner</b><br>RONG LE           | <b>Art Unit</b><br>2423               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-33 and 36-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-13, 32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-31, 36-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Miscellaneous**

**Claims pending: 1-13, 16-33, 36-46**

**Claims withdrawn: 1-13, 32-33**

**Claims amended: 16, 24, 26, 27, and 31**

**Claims cancelled: 14-15, 34-35**

**New claims: 36-46**

### ***Response to Arguments***

1. Applicant's arguments, with respect to the rejection(s) of claim(s) 16-18 and 20-21, 23-26, 27-31 have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Bons.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 16-17, 24-28, 31, 36-38, 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in further view of (WO 03/065650 A2) to (Bons) (English translation: US pat: 7614079 B2).**

**Regarding claim 16**, Shimakawa teaches EPG information contains the next transmission clock time, which reads on (control message) and television receivers,

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receiving the EPG information, which reads on (receiving a plurality of control messages relating to broadcast content). (col. 6, ll. 3-6, 15-17) Shimakawa further teaches the inclusion of clock time at which the next transmission will take place within the transmission of EPG (or other types of data), which reads on (each of said control messages being associated with time information relating to a transmission time for control messages which are to be transmitted to a receiver in the future). (col. 6, ll. 15-17) Shimakawa further teaches activating the relevant circuitry within the receiver to turn on when the scheduled information will transmit and remain in standby mode the rest of the time much like within a mobile data receiver, which reads on (selectively activating the receiver to receive the future control messages at the transmission time). (col.6, ll. 17-27)

Shimakawa fails to teach “plurality of control messages relating to broadcast content and comprising information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content, each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future...”

Bons teaches EMM messages, which reads on (plurality of control messages ...information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content) including a field that would have a “listen time” for the receiver to listen to a channel to retrieve messages, and using the listen time to retrieve EMM messages, which reads on

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(each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future...). (col. 2-3, ll. 60-8)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by plurality of control messages relating to broadcast content and comprising information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content, each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future... as taught by Bons in order to effectively prevent unauthorized viewers from viewing certain content.

**Regarding claims 17, 38,** Shimakawa in view of Bons teaches said control messages.

Shimakawa further teaches “extracting said transmission time information from said control messages”

Shimakawa teaches the clock time at which the EPG will be transmitted again (parameter NXT) being copied from the memory 58 into a memory of a processor 55. (col. 7, ll. 34-39, Fig 5)

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**Regarding claim 24**, Shimakawa teaches EPG information contains the next transmission clock time, which reads on (control message) and television receivers, receiving the EPG information, which reads on (receiving a plurality of control messages relating to broadcast content). (col. 6, ll. 3-6, 15-17) Shimakawa further teaches the inclusion of clock time at which the next transmission will take place within the transmission of EPG (or other types of data), which reads on (each of said control messages being associated with time information relating to a transmission time for control messages which are to be transmitted to a receiver in the future). (col. 6, ll. 15-17) Shimakawa further teaches activating the relevant circuitry within the receiver to turn on when the scheduled information will transmit and remain in standby mode the rest of the time much like within a mobile data receiver, which reads on (selectively activating the receiver to receive the future control messages at the transmission time). (col.6, ll. 17-27)

Shimakawa fails to teach “receiving plurality of control messages relating to broadcast content and comprising information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content, each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future...”

Bons teaches terminal receiving EMM messages, which reads on (receiving plurality of control messages ...information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required

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to decrypt the broadcast content) including a field that would have a “listen time” for the receiver to listen to a channel to retrieve messages, and using the listen time to retrieve EMM messages, which reads on (each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future...). (col. 2-3, ll. 31-8)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by receiving plurality of control messages relating to broadcast content and comprising information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content, each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future... as taught by Bons in order to effectively prevent unauthorized viewers from viewing certain content.

**Regarding claim 25,** Shimakawa in view of Bons teaches the control messages.

Shimakawa further teaches “incorporating said time information into each of the control messages.”

Shimakawa teaches EPG information contains the next transmission clock time, and television receivers, receiving the EPG information. (col. 6, ll. 3-6, 15-17)

**Regarding claim 26**, Shimakawa teaches EPG information contains the next transmission clock time, which reads on (control message) and the broadcaster indicating and including various types of data within the EPGs, which reads on (preparing a plurality of control messages) (col. 6, ll. 15-17, 28-30, 38-55)

Shimakawa teaches the inclusion of clock time at which the next transmission will take place within the transmission of EPG (or other types of data), which reads on (each of the messages including information relating to a predetermined transmission time for future control messages) (col.6, ll. 15-19)

Shimakawa teaches the broadcaster indicating and including various types of data within the EPGs, and the a television receiver arranged to received the EPG data from the broadcaster, which reads on (directing transmission of the control messages to a receiver for receiving the control messages).(col. 6, ll. 15-17, 28-30, 38-55, 56-58)

Shimakawa teaches television receivers, receiving the transmission of EPG information(or other types of data) (col.6, ll. 3-6), which contain the next transmission time, and activating the relevant circuitry within the receiver(col.6, ll. 15-17) by the microprocessor 55, (col.6, ll. 62-63), which reads on (a selective activation module), when an EPG transmission is due to be received, to turn ON much like within a mobile data receiver, which reads on (the control messages being transmitted to the receiver for a selective activation module to selectively activate the receiver to receive the future control message at the predetermined time). (col.7, ll. 53-56)

Shimakawa fails to teach “preparing a plurality of control messages relating to broadcast content and comprising information for determining whether a user has



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necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content, each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future...”

Bons teaches transmitting EMM messages, which reads on (preparing a plurality of control messages ...information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content) including a field that would have a “listen time” for the receiver to listen to a channel to retrieve messages, and using the listen time to retrieve EMM messages, which reads on (each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future...). (col. 2-3, ll. 31-8)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by receiving plurality of control messages relating to broadcast content and comprising information for determining whether a user has necessary subscriptions in place to view the broadcast content or information required to decrypt the broadcast content, each of said control messages being associated with time information relating to a transmission time for control messages.... transmitted to a receiver in the future... as taught by Bons in order to effectively prevent unauthorized viewers from viewing certain content.

**Regarding claim 27**, Shimakawa teaches television receivers, receiving the transmission of EPG information(or other types of data) (col.6, ll. 3-6), which contain the next transmission time, and activating the relevant circuitry within the receiver(col.6, ll. 15-17) by the microprocessor 55, (col.6, ll. 62-63), when an EPG transmission is due to be received, to turn ON much like within a mobile data receiver, which reads on (receiving the transmission time information, and selectively turning on a receiver to receive the messages at a time that substantially coincides with the future ... transmission time.). (col.7, ll. 53-56)

Shimakawa fails to teach “requesting for conditional access messages”.

Bons teaches the transmission of EMM messages to terminal that request them. (col.3, ll. 9-12)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by requesting for conditional access messages as taught by Bons in order to better prioritize the messages.

**Regarding claims 28 and 44**, Shimakawa in view of Bons teaches the conditional access messages.

Bons further teaches “the conditional access messages comprise entitlement management messages”.

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Bons teaches the transmission of EMM messages to terminal that request them.  
(col.3, ll. 9-12)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Bons by requesting for conditional access messages as taught by Bons in order to better prioritize the messages.

**Regarding claim 31**, Shimakawa teaches television receivers, receiving the transmission of EPG information(or other types of data) (col.6, ll. 3-6), which contain the next transmission time, and activating the relevant circuitry within the receiver(col.6, ll. 15-17) by the microprocessor 55, (col.6, ll. 62-63), when an EPG transmission is due to be received, to turn ON much like within a mobile data receiver, which reads on (configured to receive the transmission time information, comprising selectively turning on a receiver to receive the messages at a time that substantially coincides with the future ... transmission time.). (col.7, ll. 53-56)

Shimakawa fails to teach transmission time information to be requested for conditional access messages to be transmitted in the future.

Bons teaches the transmission of EMM messages to terminal that request them.  
(col.3, ll. 9-12)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa by transmission time

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information to be requested for conditional access messages to be transmitted in the future as taught by Bons in order to better prioritize the messages.

**Regarding claims 36, 37, and 43,** Shimakawa in view of Bons teaches “each of said control a message is further associated with information defining transmission parameters for the control messages to be transmitted in the future,...”.

Bons further teaches “the transmission parameters including information on the bearer, the network or the operator providing the control messages that are to be transmitted in the future”

Bons teaches transmitting EMM messages, including a first field that would have (EMM\_XID), which reads on (transmission parameters) for that enable the terminal to identify the logical channel described, which reads on (including information ...or the operator providing the control messages that are to be transmitted in the future). (col. 2, ll. 60-67)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power consumption methods used in mobile broadcast device to television receivers as taught by Shimakawa in view of Bons by the transmission parameters including information on the bearer, the network or the operator providing the control messages that are to be transmitted in the future as taught by Bons in order to effectively prevent unauthorized viewers from viewing certain content.

**Claims 18-20, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (WO 03/065650 A2) to (Bons) (English translation: US pat: 7614079 B2), in further view of (EP 0 975 109 A1) to (Suzuki).**

**Regarding claims 18 and 39,** Shimakawa in view of Bons teaches selectively activating the receiver.

Shimakawa in view of Bons fails to teach “setting a power-up time for the receiver based on said transmission time information”

Suzuki teaches the CPU controller 64 which used the time extractor 64C to recognize all the information with reference to time 13 (step S2) and stores it in memory 65. The controller then checks the CPU 64 clock for the transmission time and controls the power supply to FE61 and TD 62 accordingly. (par. 59-60, FIG 6)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Bons by setting a power-up time for the receiver based on said transmission time information as taught by Suzuki in order to minimized standby power of a receiver device.

**Regarding claims 19 and 40,** Shimakawa in view of Bons in view of Suzuki teaches setting a power-up time.

Suzuki further teaches “setting up a power up time to take account of delays in powering up the receiver.”

Suzuki teaches the CPU64 confirms the present time is several seconds before the transmission time, and turns the power supply on to the FE 61, and TD 62, awaiting the data directly to the self IRD 60. (par. 60-61, FIG 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Bons in view of Suzuki by setting up a power up time to take account of delays in powering up the receiver as taught by Suzuki in order to minimized standby power of a receiver device.

**Regarding claims 20 and 41,** Shimakawa in view of Bons in view of Suzuki teaches selectively activating the receiver.

Suzuki further teaches “monitoring the power-up time and turning on the receiver when the power-up time is reached.”

Suzuki teaches the controller then checks the CPU 64 clock for the transmission time and controls the power supply to FE61 and TD 62 accordingly. When CPU 64 confirms the present time is several seconds before the transmission time, and turns the power supply on to the FE 61, and TD 62, awaiting the data directly to the self IRD. In paragraph 61, lines 1-5, FIG 7, label S5, Suzuki inherently monitors the power-up time in that the CPU must monitor the expiration of the predetermined delay in order to receive the future transmission. (par. 59-61, FIG 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shimakawa in view of Bons in view of Suzuki by

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setting up a power up time to take account of delays in powering up the receiver as taught by Suzuki in order to minimized standby power of a receiver device.

**Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (WO 03/065650 A2) to (Bons) (English translation: US pat: 7614079 B2), in further view of (US pat: 7698568 B2) to (Alve).**

**Regarding claim 21,** Shimakawa in view of Bons teaches an apparatus.

Shimakawa in view of Bons fails to teach “mobile apparatus”.

Alve teaches a DRM system distributing encrypted service key over a mobile telephone network to a mobile terminal, which reads on (a mobile apparatus) using it to decrypt content. (Fig 2, col. 2, ll. 11-26, col. 4, ll. 8-16)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Bons, by including a mobile receiver as taught by Alve, in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

**Regarding claim 22,** Shimakawa in view of Bons in view of Alve teaches an apparatus.

Alve further teaches “mobile apparatus configured in accordance with DVB-H specification”.

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Alve teaches a DRM system distributing encrypted service key over a mobile telephone network to a mobile terminal, which reads on (a mobile apparatus) using it to decrypt content transported via DVB, in order to deliver encryption an content information to a mobile terminal DVB-H must be used. (Fig 2, col. 2, ll. 11-26, col. 4, ll. 8-16)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Bons in view of Alve, by including mobile apparatus configured in accordance with DVB-H specification as taught by Alve, in order to allow the STB to have an extra network connection to receive ECMs for backup purposes.

**Claims 23 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (WO 03/065650 A2) to (Bons) (English translation: US pat: 7614079 B2), in further view of (US pat: 7167895 B1) to (Connelly).**

**Regarding claims 23 and 42,** Shimakawa in view of Bons teaches the control messages.

Shimakawa in view of Bons fails to teach requesting the transmission time information independently.

Connelly teaches client receivers receiving metadata pre-broadcast schedule information and the actual metadata at a later time based on the schedule information given, (col. 5, ll. 47-53) registering the client devices with certain specific content



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providers to receiver certain signals, which reads on (requesting the transmission time information independently). (col. 6, ll. 4-10)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Bons, by requesting the transmission time information independently as taught by Connelly, in order to ensure schedule information is always received properly ahead of time.

**Claims 29-30, 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US pat: 6452644 B1) to (Shimakawa), in view of (WO 03/065650 A2) to (Bons) (English translation: US pat: 7614079 B2), in further view of (US Pat Pub: 2002/0021809 A1) to (Salo).**

**Regarding claims 29 and 45,** Shimakawa in view of Bons teaches the transmission time information.

Shimakawa in view of Bons fails to teach received in a messaging service format.

Salo teaches a cellular transceiver receiving the service announcements, (par. 30) the service announcement may be in the form of a special short message service (SMS) message which contains the timing and location information needed by the receiver. (par. 31)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Bons, to receive in a messaging service format as taught by Salo, in order to backup formats of sending the same information to the receiver.

**Regarding claims 30 and 46**, Shimakawa in view of Bons teaches an apparatus.

Shimakawa in view of Bons fails to teach the messaging service format comprises SMS or MMS.

Salo teaches a cellular transceiver receiving the service announcements, (par. 30) the service announcement may be in the form of a special short message service (SMS) message which contains the timing and location information needed by the receiver. (par. 31)

Therefore it would have been obvious to one of ordinarily skilled in the art at the time of the invention to modify Shimakawa in view of Bons, to receive in a messaging service format as taught by Salo, in order to backup formats of sending the same information to the receiver.

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONG LE whose telephone number is (571)270-7637. The examiner can normally be reached on M-F (8:30 - 6pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Y. Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
Art Unit 2423

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423